

HANEY, WOLOSON & MULLINS

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ostrows@whiteandwilliams.com**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:

USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

Debtor.

In re:

USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

In re:

USA SECURITIES, LLC,

Debtor.

Affects:

☒ All Debtors☐ USA Commercial Mortgage Company☐ USA Securities, LLC☐ USA Capital Realty Advisors, LLC☐ USA Capital Diversified Trust Deed Fund, LLC☐ USA First Trust Deed Fund, LLC**E-FILED on December 18, 2006**

Case No. BK-S 06-10725 (LBR)

Case No. BK-S 06-10726 (LBR)

Case No. BK-S 06-10727 (LBR)

Case No. BK-S 06-10728 (LBR)

Case No. BK-S 06-10729 (LBR)

Chapter 11

Jointly Administered Under**Case No. BK-S-06-10725 LBR****LIBERTY BANK'S NOTICE OF
WITHDRAWAL WITHOUT
PREJUDICE OF ITS MOTION
PURSUANT TO FED. R. BANKR. P.
3018 TO ALLOW CLAIM FOR PLAN
VOTING PURPOSES**

HANEY, WOLOSON & MULLINS
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**LIBERTY BANK'S NOTICE OF WITHDRAWAL
WITHOUT PREJUDICE OF ITS MOTION PURSUANT TO
FED. R. BANKR. P. 3018 TO ALLOW CLAIM FOR PLAN VOTING PURPOSES**

PLEASE TAKE NOTICE that Liberty Bank ("Liberty"), by and through its undersigned attorneys, hereby withdraws, without prejudice, Liberty Bank's Motion Pursuant to Fed. R. Bankr. P. 3018 to Allow Claim for Plan Voting Purposes filed on December 14, 2006 (Docket No. 2106) (the "3018 Motion"). Accordingly, Liberty requests that the hearing on the 3018 Motion, currently scheduled for December 19, 2006, and this Court's order dated December 15, 2006 (Docket No. 2132) granting Liberty's request for expedited consideration of the 3018 Motion, be vacated. In conjunction with this Notice, USACM has withdrawn without prejudice its objection filed December 11, 2006 (Docket No. 2022) (the "Claim Objection") to Proof of Claim No. 1383 filed by Liberty Bank.

Respectfully submitted this 18th day of December 2006.

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BY: 

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Chapter 11

**Jointly Administered Under
Case No. BK-S-06-10725 LBR**

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of December 2006, I caused to be served a true and correct copy of Liberty Bank's Notice of Withdrawal Without Prejudice of its Motion Pursuant to Fed. R. Bankr. P. 3018 to Allow Claim for Plan Voting Purposes via:

___ (ELECTRONIC SERVICE) Pursuant to Administrative Order 02-1 (Rev. 8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court.

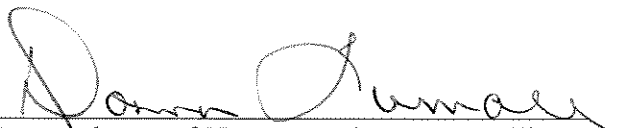
X (UNITED STATES MAIL) By depositing a copy of the above-referenced documents in the United States Mail, first class postage prepaid, addressed to all the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

___ (OVERNIGHT COURIER) By depositing a copy of the above-referenced document for priority overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address.

___ (VIA FACSIMILE) By Facsimile Service transmission to the Facsimile Numbers Indicated, to those persons listed on the attached service list, on the date above written.

___ (VIA EMAIL) By electronic mail transmission to those persons listed on the attached email.

Dated this 18th day of December 2006.


An employee of Haney, Woloson & Mullins

SERVICE LIST

<p>Ray Quinney & Nebeker PC 36 S. State Street, Suite 1400 P.O. Box 45385 Salt Lake City, UT 84145-0385 Fax: (801) 532-7543 Attn: Annette W. Jarvis, Esquire ajarvis@rqn.com</p> <p>Counsel for Debtors and Debtors-In-Possession</p>	<p>Schwartzter & McPherson Law Firm 2850 South Jones Boulevard, Suite 1 Las Vegas, NV 89146 Fax: (702) 892-0122 Attn: Lenard E. Schwartzter, Esquire lschwartzter@s-mlaw.com</p> <p>Local Counsel for the Debtors</p>
<p>Stutman, Treister & Glatt 1901 Avenue of the Stars, 12th Floor Los Angeles, CA 90067 Fax: (310) 228-5788 Attn: Eve H. Karasik, Esquire ekarasik@stutman.com</p> <p>Counsel for the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC</p>	<p>Gordon & Silver, Ltd. 3960 Howard Hughes Pkwy., 9th Floor Las Vegas, NV 89109 Fax (702) 796-5555 Attn: Gregory E. Garman, Esquire geg@gordonsilver.com</p> <p>Counsel for the Official Committee of Holders of Executory Contract Rights through USA Commercial Mortgage Company</p>
<p>Orrick, Herrington & Sutcliffe LLP 8400 Capital Mall, Suite 3000 Sacramento, CA 95814-4497 Fax: (916) 329-4900 Attn: Marc A. Levinson, Esquire malevinson@orrick.com</p> <p>Counsel for the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC</p>	<p>Lewis and Roca LLP 3993 Howard Hughes Pkwy., Suite 600 Las Vegas, NV 89169-5996 Fax: (702) 949-8321 Attn: Rob Charles, Esquire rcharlesrlaw.com</p> <p>Counsel for the Official Committee of Unsecured Creditors of USA Commercial Mortgage Company</p>
<p>Office of the United States Trustee 300 Las Vegas Boulevard, Suite 4300 Las Vegas, NV 89101 Fax: (702) 388-6658 augie.landis@usdoj.gov</p> <p>Assistant United States Trustee</p>	